

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

**IN RE: INSULIN PRICING
LITIGATION**

Case No. 2:23-md-3080 (BRM)(RLS)

MDL No. 3080

This Document Relates to:

*The State of Mississippi, ex rel. Lynn
Fitch, Attorney General v. Eli Lilly and
Company, et al.*

Case No. 2:23-cv-04364 (BRM)(RLS)

**DECLARATION OF ANDREW YAPHE
IN SUPPORT OF MANUFACTURER DEFENDANTS'
REPLY ISO MOTION FOR JUDGMENT ON THE PLEADINGS**

I, Andrew Yaphe, hereby declare as follows:

1. I am an attorney with the law firm Davis Polk & Wardwell LLP, counsel for defendant Novo Nordisk Inc. in the above-captioned matter, licensed to practice law in the State of California and admitted to this Court *pro hac vice*.

2. On behalf of Defendants Eli Lilly and Company, Novo Nordisk Inc., and Sanofi-Aventis U.S. LLC (collectively, "Manufacturers"), I submit this Declaration in support of Manufacturer Defendants' Reply in Support of Motion for Judgment on the Pleadings. I have personal knowledge of the matters stated herein and, if called to do so, I could and would testify competently thereto.

3. All copies of the U.S. Patents listed below and attached as exhibits were downloaded from the U.S. Patent and Trademark Office website:

<https://patentcenter.uspto.gov/>.

4. Attached hereto as Exhibit 1 is a true and correct copy of U.S. Patent No. 8,114,833, entitled “Propylene Glycol-Containing Peptide Formulations Which Are Optimal For Production And For Use In Injection Devices.”

5. Attached hereto as Exhibit 2 is a true and correct copy of U.S. Patent No. 7,452,966, entitled “GLP-1 Analog Fusion Proteins.”

6. Attached hereto as Exhibit 3 is a true and correct copy of U.S. Patent No. 9,938,335, entitled “Glucagon And GLP-1 Co-Agonist Compounds.”

7. Attached hereto as Exhibit 4 is a true and correct copy of U.S. Patent No. 10,709,766, entitled “Fusion Proteins.”

8. Attached hereto as Exhibit 5 is a true and correct copy of U.S. Patent No. 11,541,123, entitled “Dual Amylin And Calcitonin Receptor Agonists And Uses Thereof.”

9. Attached hereto as Exhibit 6 is a true and correct copy of U.S. Patent No. 11,834,486, entitled “Incretin Analogs And Uses Thereof.”

10. Attached hereto as Exhibit 7 is a true and correct copy of U.S. Patent No. 8,129,343, entitled “Acylated GLP-1 Compounds.”

11. Attached hereto as Exhibit 8 is a true and correct copy of U.S. Patent No. 8,536,122, entitled “Acylated GLP-1 Compounds.”

12. Attached hereto as Exhibit 9 is a true and correct copy of U.S. Patent No. RE45,313, entitled “Exendin Variant Peptides.”

13. Attached hereto as Exhibit 10 is a true and correct copy of U.S. Patent No. 9,526,764, entitled “Combination Of An Insulin And A GLP-1-Agonist.”

14. Attached hereto as Exhibit 11 is a true and correct copy of U.S. Patent No. 9,707,176, entitled “Pharmaceutical Composition Comprising A GLP-1 Agonist And Methionine.”

I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 06, 2024 at Menlo Park, CA.



Andrew Yaphe